ORIGINAL

BEFORE THE

Federal Communications Commission

WASHINGTON, DC 20554

In the Matter of	)	
	)	
Truth-In Billing and Billing Format	)	CC Docket No. 98-170
	)	
	)	

COMMENTS OF PRIMECO PERSONAL COMMUNICATIONS, L.P.

PRIMECO PERSONAL COMMUNICATIONS, L.P.

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SUMMARY

The Commission should not impose billing content and format restrictions on competitive CMRS providers and must be wary of jurisdictional and constitutional limits on its authority in this area.

First, there is no record of misleading or untruthful billing practices that warrants Commission regulation of CMRS providers' billing practices. The CMRS industry is intensely competitive and consumer-friendly billing practices are essential for wireless carriers to retain customers and minimize churn. Slamming and cramming, the primary impetus behind the Commission's proposed regulations, are inapplicable to CMRS carriers. PrimeCo's own billing practices further confirm that competition, not regulatory fiat, is the most appropriate and efficient means of ensuring that CMRS carriers' billing practices enable consumers to reap the benefits of competition. Commission intervention is inappropriate and unnecessary.

The Commission should also preserve CMRS providers' flexibility to recover universal service contributions. Concern for access charge reductions offsetting universal service costs is irrelevant to CMRS providers. The parameters established in the Commission's universal service proceeding suffice for CMRS providers and safe harbor language is unnecessary. The Commission also has ample authority under Sections 201, 202 and 208 to address any unreasonable practices by CMRS carriers. In addition, the Commission's proposed restrictions implicate carriers' First Amendment rights, and the Commission should leave issues of "truthfulness" to courts and other agencies.

Finally, the Commission has failed to acknowledge that Section 332(c)(3) imposes jurisdictional limits on its regulation of CMRS carriers' billing practices. Commission regulation may conflict with states' authority in this area and may undermine previous Commission decisions. The Commission should not disrupt existing state and federal jurisdictional limits in this area.

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COMMENTS OF PRIMECO PERSONAL COMMUNICATIONS, L.P.

PrimeCo Personal Communications, L.P. ("PrimeCo"),[1] hereby submits comments in response to the *Notice of Proposed Rulemaking* in the above-referenced proceeding.[2] For the reasons discussed herein, the Commission should not impose billing content and format restrictions on competitive CMRS providers and must be wary of jurisdictional and constitutional limits on its authority in this area.

I. THERE IS NO RECORD OF MISLEADING OR UNTRUTHFUL BILLING PRACTICES WARRANTING REGULATION OF COMPETITIVE CMRS PROVIDERS' BILLING PRACTICES

PrimeCo submits that the billing content restrictions under consideration in the *NPRM* are unnecessary and unduly burdensome for CMRS carriers. The Commission points to no instance of CMRS providers' improper billing practices to support the

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1 PrimeCo is the broadband A/B Block PCS licensee or is the general partner/ majority owner in the licensee in the following MTAs: Chicago, Milwaukee, Richmond-Norfolk, Dallas-Fort Worth, San Antonio, Houston, New Orleans-Baton Rouge, Jacksonville, Tampa-St. Petersburg-Orlando, Miami-Ft. Lauderdale and Honolulu.

2 *In the Matter of Truth-in-Billing and Billing Format, Notice of Proposed Rulemaking*, CC Docket No. 98-170, FCC 98-232 (released Sept. 17, 1998) ("*NPRM*").

need for bill content restrictions, yet asserts that "the issues raised by this proceeding are *equally applicable* to all bills for telecommunications services that are furnished to consumers *including*" bills for CMRS providers.[3] PrimeCo submits that this assumption is unfounded. CMRS carriers' bills already "provide consumers with the information they need to make informed choices in the competitive telecommunications marketplace" and additional regulation is both unwarranted and legally problematic.[4] There is no basis for treating all telecommunications carriers identically in this area.

A. Restrictions on CMRS Providers' Billing Practices Are Inappropriate In the Deregulated and Intensely Competitive Market for Wireless Services

PrimeCo does not dispute that "consumers must have adequate information about the services they are receiving, and the alternatives available to them, if they are to reap the benefits of a competitive market."[5] Regulating CMRS carriers' billing practices, however, is not necessary to achieve this goal. As the Commission has acknowledged, the CMRS industry is *already* highly competitive.[6] Consumers routinely switch wireless carriers on the basis of price and service quality.[7] Indeed, good billing

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3 *Id.* ¶ 6 (emphasis added).

4 *Id.* ¶ 1.

5 *Id.* ¶ 3.

6 *Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services, Third Report*, FCC 98-91 (rel. June 11, 1998) at 18-21.

7 *See High Churn Again Dogs Powertel*, COMMUNICATIONS DAILY, October 30, 1998 (4.5% monthly churn rate); *Slow-Growing Wireless is Stable Financial*

(continued...)

practices are important to a CMRS provider's ability to retain customers and reduce churn. PrimeCo data confirms that complaints or questions regarding billing format/content issues are an insignificant element of customer queries to PrimeCo's customer care personnel. In short, CMRS customers already are reaping the benefits of the competitive wireless market — *without* regulation of carriers' billing practices — and there is no need for Commission intervention.

Regulating CMRS billing practices is not only unnecessary from consumers' perspective, but also contravenes the Commission's deregulatory approach to wireless services.[8] It is well established that "billing and collection for a carrier's *own* communications offering *is an incidental part of a communication service.*"[9] As such, a common carrier's billing of its own customers was traditionally governed primarily by tariff.[10] The Commission in 1994 detariffed CMRS services, however, leaving CMRS

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7 (...continued)
Contributor for Centurytel, WIRELESS TODAY, Oct. 27, 1998 (2.3% monthly rate); *Microcell's End-of-September Base Hits 180,000 Mark*, COMMUNICATIONS DAILY, October 19, 1998 (2.8% monthly rate); *High-MOU Individuals, Men Seen as More Prone to Churn*, WIRELESS TODAY, Sept. 3, 1998 (10% of respondents surveyed switched carriers in past year); *Lack of Loyalty Can Hurt: Study Pegs U.S. Wireless Churn Potential at 38 Percent*, PCS WEEK, Aug. 26, 1998.

8 *See Implementation of Sections 3(n) and 332 of the Communications Act, Second Report and Order*, 9 FCC Rcd. 1411, 1418 (1994); *Implementation of Sections 3(n) and 332 of the Communications Act, Third Report and Order*, 9 FCC Rcd. 7988, 8004 (1994).

9 *Detariffing of Billing and Collection Services*, 102 FCC 2d 1150, 1168 (1986).

10 *See AT&T Communications Tariff F.C.C. Nos. 9 and 11*, 9 FCC Rcd 4480, 4481-82 (CCB 1994) (discussing LEC billing practices in context of access tariffs); *New England Telephone and Telegraph Company Tariff F.C.C. No. 40; New York Telephone Company Tariff F.C.C. No. 41*, 4 FCC Rcd 2317, 2317 (CCB 1988)
(continued...)

providers' rates, terms and conditions largely unregulated by the Commission.[11] Now, without identifying any objectionable practices by CMRS providers, the Commission appears set to partially undo its 1994 decision, again with no justification for so doing.

The Telecommunications Act of 1996 also mandates that CMRS deregulation not be cast aside so casually. In enacting the Section 10 of the Communications Act, Congress intended that the Commission not impose regulations on classes of carriers where such regulation is (1) not necessary to ensure that rates and practices are just and reasonable and not unjustly or unreasonably discriminatory, (2) not necessary for the protection of consumers, and (3) consistent with the public interest.[12] The competitiveness and current practices of the wireless industry, and customers' willingness to switch carriers, demonstrate that these conditions are met for CMRS providers and that no exercise of Title I or Title II authority to regulate CMRS providers' billing practices is appropriate.

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10 (...continued)
(same); *Investigation of Access and Divestiture Related Tariffs*, CC Docket No. 83-1145, FCC 85-69, 57 Rad. Reg. 2d (P&F) 1533 (Feb. 25, 1985) (discussing access customers' payment obligations under LEC access tariffs).

11 *Implementation of Sections 3(n) and 332 of the Communications Act Regulatory Treatment of Mobile Services, Second Report and Order*, 9 FCC Rcd 1411, 1478-81 (1994) ("*CMRS Second Report and Order*"). As discussed in Section III *infra*, Section 332 also raises jurisdictional concerns that the Commission failed to acknowledge in the *NPRM*.

12 *See* 47 U.S.C. § 160(a).

B. Slamming and Cramming Are Not Problems Facing CMRS Customers

A primary impetus for the *NPRM* is the growth of telecommunications-related fraud, particularly slamming and cramming.[13] Again, there is no history indicating a problem with these practices for wireless carriers.[14] PrimeCo has had no complaints of its customers being "slammed." Indeed, and as both houses of Congress separately determined this session, slamming is not an issue for wireless carriers and their customers.[15]

C. The Commission's Proposed Billing Format and Content Restrictions Are Unnecessary for Competitive CMRS Providers

Billing regulation is unnecessary for CMRS providers. PrimeCo provides in its current bills much of the information proposed by the Commission *not* because of regulatory fiat, but to prevent customer confusion and retain customers in the intensely competitive wireless marketplace. Commission-mandated changes to PrimeCo's billing

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13 *See NPRM* ¶¶ 3, 16, 19, 23. PrimeCo notes that issues relating to slamming predominated the Common Carrier Bureau's October 23rd public forum. *See Public Notice, Common Carrier Bureau Announces Agenda for Forum Addressing Truth-in Billing*, DA 98-2055 (rel. Oct. 15, 1998).

14 *See* Comments of AirTouch Communications, Inc. in CC Docket No. 94-129, filed Sept. 15, 1997; Comments of Bell Atlantic NYNEX Mobile in CC Docket No. 94-129, filed September 15, 1997.

15 S. 1618, 105th Cong. 2d Sess., § 101(a) (as passed by the Senate May 12, 1998); S. Rep. No. 105-183, at 8 (1998) (stating that "[t]he [Commerce] Committee intends to exempt [commercial mobile service] providers from section 258 of the Communications Act because, within the commercial mobile service industry, the number of slamming complaints has been negligible"); H.R. 3888, 105th Cong. 2d Sess., § 101 (1998), H.R. Rep. No. 105-801 (1998) (same). Moreover, many CMRS providers bundle interexchange service with CMRS service by reselling services of facilities-based carriers. In this instance there can be no unauthorized change of service providers.

format will be tremendously costly and difficult to implement.[16] PrimeCo has found that even minor cosmetic changes in billing format, relating to font and changes in title, can cost in excess of $100,000. Changes that require additional pages, inserts or substantive textual changes will be significantly more costly to develop and implement and will involve added costs such as transaction costs (*e.g.*, services of billing service providers, attorneys' fees), and costs for materials and mailing, all with — in PrimeCo's view — no countervailing public interest benefit.

For example, the Commission proposes that a bill summarize both the current status of and changes in the status of a consumer's services.[17] This proposal is targeted at slamming and cramming which, as discussed above, are irrelevant to PrimeCo and other CMRS carriers. Any changes to a PrimeCo customer's service offerings *are requested by the customer* and thus unauthorized changes are a non-issue. Furthermore, PrimeCo's bills, by "containing full and non-misleading descriptions of all charges that appear therein" make it apparent to any customer whether any additional services are added to the customer's service plan.[18] Again, no Commission intervention is needed.

The Commission also proposes that bills "contain consumer inquiry and complaint information, including toll-free telephone numbers for the receipt of questions

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16 Indeed, PrimeCo's billing system may not be able to accommodate some of the billing changes proposed in the *NPRM*.

17 *NPRM* ¶ 10.

18 *Id.*

and complaints."[19] PrimeCo bills already state in italics "For Billing Inquiries, call Customer Care Toll-Free: 1-800-[XXX-XXXX] 24 hours a day, 7 days a week." Moreover, PrimeCo has an extensive and highly-trained customer care staff to handle all aspects of customer service, including billing issues. This Customer Care force is an essential competitive service and must be responsive to customer requirements. Otherwise, the customer will go to another service provider. PrimeCo also maintains easily accessible information concerning billing and customer queries on the Internet.[20] Again, PrimeCo is highly motivated, for business reasons, to be responsive to customers.

As a related matter, the Commission seeks comment on whether carriers who bill customers for non-telecommunications charges should be subject to provide information similar to that required under the Truth-In-Lending Act ("TILA").[21] PrimeCo does not offer such services at this time and PrimeCo submits there is no need for the Commission to address this issue. If PrimeCo were to routinely provide such services in the future, however, imposing TILA-type regulation on carriers' bills would be extremely difficult and costly in comparison to current billing procedures. Indeed, it may not be economically feasible to implement.

The Commission also makes a number of proposals regarding organization of bills, including separate sections for each category of service, a single page or section summarizing the current status of services. The Commission further proposes "clear and

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19 *Id.*

20 *See* http://www.primeco.com/primeco/support/c_index.html.

21 *Id.* ¶ 8.

conspicuous notification" of changes or new charges in customer bills.[22] Once again, most of the Commission's suggested "status changes" are related to preventing the problem of slamming, which is irrelevant to CMRS providers. Simply providing a complete and accurate description of the services charged, as PrimeCo does, gives CMRS customers ample notification and documentation of the additional services they request. Further, PrimeCo divides bills into different sections for local (*i.e.*, within the customer's home service area) and roaming calls; there is also a summary page that lists the total amount owed for each type of call and that breaks down each call. Again, the competitive wireless industry is already responsive to customer needs in this area.

The Commission also proposes that carriers "provide consumers with full and non-misleading descriptions of all charges contained in their telephone bills."[23] PrimeCo already subdivides all of its charges into local and long distance calls, and describes other services clearly, such as "Basic Voice Mail," "Call Waiting," and "Caller ID;" it further supplements the bill with informational materials to explain these services. In addition, there is an "Important Messages" box that appears on the front page of each bill that discusses many additions or changes to the bill. In sum, PrimeCo submits that between the bill itself, the supplemental information provided to customers, and "24-7" availability of customer service personnel, PrimeCo customers are given full and complete information and have what they need to understand and inquire about their bills.

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22 *Id.* ¶¶ 18-19.

23 *Id.* ¶ 20.

As such, the Commission's proposed rules are unnecessary when it comes to PrimeCo and other CMRS carriers.

Indeed, the Commission's proposals have the potential to create the unintended result of heightening CMRS customer confusion. For example, the Commission proposes that "the name of the service provider be clearly and conspicuously identified."[24] For CMRS providers this proposal could be confusing due to wireless roaming. PrimeCo has roaming agreements with numerous carriers; the amount PrimeCo pays to a roaming carrier for a call, however, is not necessarily related to the amount charged to the customer for the call; often carriers discount and unify the roaming rates charged to customers. Requiring CMRS carriers to disclose roaming carriers serves no legitimate purpose and again may prove confusing to customers. Any roaming questions are appropriately and best addressed to the primary service carriers.

Also, while many wireless providers may resell the interexchange services of more than one service provider, customers view only the wireless carrier as their "service provider" for such service. These carriers can and must be responsive to customer billing issues. For these reasons, the Commission should not impose any "carrier identification" requirement on CMRS providers. For similar reasons, a single address and phone number for customer inquiries and information is adequate.[25] To confirm, CMRS providers may have arrangements with a number of separate companies, including other CMRS providers for roaming purposes, information service providers,

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24 *Id.* ¶ 23.

25 *Id.* ¶ 23.

billing vendors, and facilities-based local and interexchange carriers. These third-parties are not knowledgeable about the CMRS provider's customers and, unlike the primary service provider, are not in a position to adequately resolve billing issues. The Commission should not upset the current arrangements.

The Commission also inquires "whether telephone bills should differentiate between 'deniable' and 'non-deniable' charges."[26] PrimeCo already informs customers on the back side of the first page of each bill that they may submit complaints in writing and do not have to include the disputed charges with their payment. However, this is a payment option that PrimeCo provides to customers *on its own for business reasons* and should not be a regulatory mandate. Commission regulation of CMRS providers in this regard is unnecessary.

II. THE COMMISSION SHOULD PRESERVE COMPETITIVE CMRS PROVIDERS' FLEXIBILITY TO RECOVER UNIVERSAL SERVICE CONTRIBUTIONS

The Commission seeks comment on whether it "should prescribe 'safe harbor' language that carriers, or some subset of carriers, can elect to use to ensure that they are meeting their obligations to provide truthful and accurate information to subscribers with respect to the recovery of universal service, access, and similar charges."[27] The Commission proposes a variety of parameters on such language, such as: explanations for assessing a flat fee versus percentage charge; disclosure of "exact cost

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26 *Id.* ¶ 24.

27 *Id.* ¶ 27.

reductions, such as a reduction in access charge costs;" and the exact cost of universal service obligations incurred as a result of serving that customer.[28] In PrimeCo's view, such "safe harbor" language is inappropriate and unhelpful for CMRS providers and raises First Amendment questions.

A. Safe Harbor Language for Universal Service Cost Recovery Is Unnecessary for CMRS Providers

The Commission's "safe harbor" proposal is inappropriate for CMRS providers and, in any event, should be voluntary in all cases. First, the Commission's concern for access charge reductions offsetting universal service payments is of no relevance to CMRS providers since, as the Commission is aware, they do not have this offset. Thus, the Commission's proposal that "a separate line item for the recovery of universal service contributions . . . explain the net reduction in [the] costs of providing long distance service" is of no relevance with respect to CMRS.[29]

Second, with regard to the costs of universal service obligations, PrimeCo submits that the billing parameters established in the *Universal Service Report and Order* suffice for competitive CMRS providers. In that decision, the Commission provided that:

> If contributors . . . choose to pass through part of their contributions and to specify that fact on customers' bills, contributors must be careful to convey information in a manner that does not mislead by omitting important information that indicates that the contributor has chosen to pass through the contribution or part of the con-

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28 *See id.* ¶ 31.

29 *See id.* ¶ 28.

> tribution to its customers and that accurately describes the nature of the charge.[30]

The Commission stated further that carriers should not characterize the mechanism as a "surcharge."[31] Notably, the Commission did not adopt an industry-wide "one-size-fits-all" solution and afforded CMRS providers appropriate flexibility to recover their reasonable universal service contribution costs in a manner that best suits their business needs. The *NPRM* now proposes restricting the language carriers may use to describe universal service cost recovery.[32]

The Commission's use of safe harbor language, and the proposed parameters on such language, are problematic for a variety of reasons. For example, whether a carrier uses flat fees or percentage charges may involve proprietary issues inappropriate for public disclosure.[33] Moreover, the Commission's reasoning is flawed with respect to CMRS. Customers do not compare among CMRS providers based upon a single bill item, but rather on the aggregate cost. Thus, the problem posited by the Commission is self-correcting; *even if* a wireless carrier *intentionally* charges customers for universal service cost recovery beyond actual cost incurred, its customers will migrate to other carriers based on the aggregate price paid for service. Indeed, as the Commission

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30 *Federal and State Joint Board on Universal Service, Report and Order*, 12 FCC Rcd. 8776, 9212 (1997) ("*Universal Service Report and Order*").

31 *Id.*

32 *NPRM* ¶ 31.

33 It has long been Congress' and the Commission's policy not to require disclosure of carriers' proprietary and competitively-sensitive information. *See* 5 U.S.C. § 552(b)(4); 47 C.F.R. § 0.457(d).

itself acknowledged, competition in telecommunications markets "will likely lessen the ability of carriers and other providers of telecommunications to pass through to customers some or all of the former's contribution to the universal service mechanisms."[34] Moreover, where a particular carrier's universal service cost recovery is unreasonable, the Commission has ample authority to address such practices under Sections 201, 202 and 208.[35] Again, there is no need for Commission intervention.

B. The Commission's Proposed Restrictions Implicate the First Amendment's Protections for Commercial Speech

In attempting to regulate billing language, the Commission must also be mindful of carriers' First Amendment rights — "restrictions on speech that ban truthful, non-misleading commercial speech about a lawful product *cannot withstand scrutiny under the First Amendment.*"[36] For example, the Commission seeks comment "on whether safe harbor language should include a description of the *scope and purpose of universal service support mechanisms.*"[37] However, reasonable persons of different political sensibilities or degrees of cynicism might come to different decisions on the "scope and purpose" of the universal service program and the Commission must not impose content-based requirements that are based on subjective interpretation. It is well-

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34 *Universal Service Report and Order*, 12 FCC Rcd. at 9212.

35 The Commission in 1994 determined that "Compliance with Sections 201, 202 and 208 is sufficient to protect consumers. In the event that a carrier violated Sections 201 or 202, the Section 208 complaint process would permit challenges to a carrier's rates or practices and full compensation for any harm due to violations of the Act." *CMRS Second Report and Order*, 9 FCC Rcd. at 1478-79.

36 *NPRM* ¶ 15 (citing *44 Liquormart, Inc. v. Rhode Island*, 517 U.S. 484 (1996)).

37 *Id.* ¶ 28.

established that there are limits on "compelling a private corporation to provide a forum for views other than its own . . . ."[38]

The Commission's concern for billing content should instead be focused on truthfulness — *not* on building public support for or stemming public criticism of Commission regulations or federal statutes. Carriers unquestionably have a First Amendment right to inform their customers — whether on the bill itself or elsewhere in the billing envelope — what portion of their bill is attributable to recovery of universal service costs.[39] To many customers the difference between a prohibited "surcharge," and authorized "cost recovery" item on a bill is a matter of semantics, and some customer disruption or frustration is perhaps inevitable.

In addition, by prescribing what language is "truthful" and "non-misleading," the Commission would be treading into matters outside of its expertise and which would best be left to courts and other federal and state agencies.[40] In addition, given the sharp differences in service offerings between classes of carriers, the Commission's efforts to draft a one-size-fits-all safe harbor are pointless. Case-by-case adjudication of such matters by expert authorities is the more appropriate means of addressing any unscrupulous or fraudulent practices.

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38 *See Pacific Gas & Electric v. PUC of California*, 475 U.S. 1, 9 (1986); *Wooley v. Maynard*, 430 U.S. 705 (1977).

39 Indeed, there is nothing preventing a carrier from using "safe harbor" language on its bill, yet including with the bill a separate insert criticizing universal service statutes and regulations. *See Consolidated Edison Co. v. Public Service Commission*, 447 U.S. 530, 540 (1979).

40 *See* 17 Am. Jur. 2d CONSUMER PROTECTION §§ 280-283.

III. COMMISSION REGULATION OF CMRS CARRIERS' BILLING FORMAT AND CONTENT RAISES JURISDICTIONAL CONCERNS NOT ACKNOWLEDGED IN THE *NPRM*

The Commission requests comments on "how [its] jurisdiction should complement that of the states and other agencies."[41] Amazingly, but perhaps not surprisingly given the "afterthought" treatment afforded to CMRS providers in the *NPRM*, there is no mention of Section 332(c)(3) of the Act and its implications for federal jurisdiction. For CMRS providers, the Commission must walk a fine line. In its 1993 amendments to Section 332(c)(3) of the Act, Congress expressly preserved states' authority to regulate the "other terms and conditions of commercial mobile services."[42] The phase "other terms and conditions" includes "such matters *as customer billing information and practices and billing disputes* and other consumer protection matters."[43] Thus, Commission billing regulation would necessarily parallel — if not conflict with — states' authority.

The Commission's action in this proceeding must also reflect that state regulation of CMRS rates is preempted, and that the Commission forbears from imposing interstate rate regulation on CMRS providers.[44] In this regard, the Commission notes in

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41 *NPRM* ¶ 14.

42 47 U.S.C. § 332(c)(3)(A).

43 H.R. Rep. No. 103-111, at 261 (1993) (emphasis added).

44 *CMRS Second Report and Order*, 9 FCC Rcd at 1478-81; *see, e.g., Petition of the People of the State of California and the Public Utilities Commission of the State of California*, 11 FCC Rcd 796 (1995); *Petition of the Connecticut Department of Public Utility Control to Retain Regulatory Control of Wholesale Cellular Service*

(continued...)

the *NPRM* that it recently referred to the Joint Board the issue of whether it is "reasonable for providers to recover universal service contributions through rates, surcharges or other means" and asserts that "its evaluation in this [truth-in-billing] proceeding will be informed by any recommendations the Joint Board makes with respect to these issues."[45] If CMRS providers are precluded from recovering the costs of universal service contributions, either by state or federal mandate, this would be tantamount to rate regulation and the Commission must provide adequate opportunity for public comment of such a drastic proposal.

CONCLUSION

For the reasons discussed herein, the Commission should: (1) not impose billing content and format requirements on competitive CMRS providers; (2) affirm the flexibility afforded to CMRS providers in recovering universal service contribution costs;

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44 (...continued)
Providers in the State of Connecticut, 11 FCC Rcd 848 (1995).

45 *See NPRM* ¶ 27 n. 35 (citing *Federal-State Joint Board on Universal Service, Order and Order on Reconsideration*, CC Docket No. 96-45, FCC 98-160, 12 Comm. Reg. 1201, 1203 (rel. July 17, 1998)).

and (3) not disrupt existing state and federal jurisdictional and constitutional boundaries governing billing matters and rate regulation.

Respectfully submitted,

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